

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:06CR3107
)	
V.)	
)	
DAGOBERTO FIGUEROA-CUEVAS,)	MEMORANDUM
)	AND ORDER
)	
Defendant.)	
_____)	

Dagoberto Figueroa-Cuevas filed a second and successive 2255 motion (filing 124) on November 19, 2010. On that same date, the defendant filed in this court an application for second or successive certificate of appealability (filing 127). The application indicates that it was intended to be filed with the United States Court of Appeals for the Eighth Circuit. But it is not clear that the application was filed with that court. Therefore,

IT IS ORDERED that:

(1) The Clerk of this court shall forward to the United States Court of Appeals for the Eighth Circuit the application for second or successive certificate of appealability (filing 127), together with a copy of this order.

(2) If an order granting Dagoberto Figueroa-Cuevas authorization to prosecute his second and successive 2255 motion (filing 124) is not received in this court on or before February 1, 2011, that motion will be denied.

DATED this 20th day of December, 2010.

BY THE COURT:

Richard G. Kopf

United States District Judge